

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>ZITOVAULT, LLC,</b>	§	
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>Civil Action No. 3:16-CV-00962-M</b>
	§	
<b>INTERNATIONAL BUSINESS</b>	§	
<b>MACHINES CORPORATION and</b>	§	
<b>SOFTLAYER TECHNOLOGIES, INC.</b>	§	<b>JURY TRIAL DEMANDED</b>
	§	
<b>Defendants.</b>	§	
	§	
	§	

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), Plaintiff ZitoVault, LLC and Defendants International Business Machines Corp. and SoftLayer Technologies, Inc. hereby stipulate as follows:

1. ZitoVault, LLC has entered into a binding settlement agreement with International Business Machines Corporation and SoftLayer Technologies, Inc. concerning this legal action that resolves all matters, controversies, and claims made by and between all the parties in this legal action.
2. ZitoVault, LLC's claims are dismissed with prejudice.
3. All defenses and counterclaims of International Business Machines Corporation and SoftLayer Technologies, Inc. are dismissed with prejudice.
4. Pursuant to that agreement, each party is to bear its own costs and attorneys' fees with respect to this legal action and the entry of this Stipulation and Order of Dismissal with

Prejudice.

5. The Court may enter an Order adopting this Stipulation of Dismissal (With Prejudice) as the Order of the Court.

Dated: August 10, 2018

Respectfully submitted,

**CALDWELL CASSADY & CURRY P.C.**

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**ATTORNEYS FOR  
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and SOFTLAYER  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document instrument was filed electronically in compliance with Local Rule 5.1(d). As such, this document was served on all counsel who are registered users of ECF on this 10<sup>th</sup> day of August, 2018.

/s/ Jason D. Cassady  
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